

SEP 27 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| ROBERT EDWARD LEE SHELL, | ) | CASE NO. 7:11CV00363               |
|                          | ) |                                    |
| Petitioner,              | ) |                                    |
| v.                       | ) | FINAL ORDER                        |
|                          | ) |                                    |
| HAROLD CLARKE, DIRECTOR, | ) | By: Glen E. Conrad                 |
|                          | ) | Chief United States District Judge |
| Respondent.              | ) |                                    |

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the respondent's second motion to dismiss (ECF No. 19) is **GRANTED**; the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** with prejudice; respondent's initial motion to dismiss (ECF No. 8) is **DISMISSED** as moot; and this action is stricken from the active docket of the court. Based upon the court's finding that petitioner has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 27<sup>th</sup> day of September, 2012.



Chief United States District Judge